



Convention on the Rights of the Child

Distr.: General

5 June 2018

Original: English

Committee on the Rights of the Child Seventy-eighth session

Summary record (partial)* of the 2288th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 May 2018, at 3 p.m.

Chair: Mr. Nelson (Vice-Chair)

Contents

Consideration of reports of States parties (continued)

Initial report of Angola on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)

Initial report of Angola on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-08010 (E) 300518 050618



* 1 8 0 8 0 1 0 *

Please recycle



In the absence of Ms. Winter, Mr. Nelson, Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Initial report of Angola on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/AGO/1; CRC/C/OPAC/AGO/Q/1 and CRC/C/OPAC/AGO/Q/1/Add.1)

Initial report of Angola on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/AGO/1; CRC/C/OPSC/AGO/Q/1 and CRC/C/OPSC/AGO/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*
2. **Ms. Mixinge** (Angola), introducing her country's reports, said that, despite the challenges Angola had faced since the end of the armed conflict in 2002, the Government had demonstrated its commitment to children's rights and well-being by drawing up the 11 Commitments for Children. The main framework for government action to implement the Optional Protocols was commitment 8, on the prevention of violence against children.
3. With regard to the involvement of children in armed conflict, the minimum age for recruitment into the armed forces was 21 years, although all young men were registered for military service at the age of 18 years. The register facilitated monitoring of the reserve and renewal of armed forces personnel as required.
4. Over 30,000 refugees from the Democratic Republic of the Congo enjoyed protection in Lunda Norte Province, where they received assistance from the Government of Angola, United Nations agencies and international humanitarian organizations. Eleven child soldiers from Congolese militias had been identified among the refugees. Portuguese language classes had been organized to facilitate refugee children's access to education, and almost one hundred unaccompanied minors had been placed in foster care. The reception centre included a child-friendly space for some 210 children under the age of 5.
5. The Government had taken a number of measures aimed at the social reintegration of groups who had been directly affected by the armed conflict in Angola. Traditional leaders had been made aware of the need to pay special attention to vulnerable groups, including children, in the reintegration process.
6. There was a whole range of legislative measures to combat the sale of children, child prostitution and child pornography: the Money Laundering Act (Act No. 3/14) protected children from procuring, sex trafficking and slavery and punished those who bought or sold a child under the age of 14 for the purposes of adoption; the Act on the Protection and Development of the Child (Act No. 25/12) protected children from negligence, discrimination, violence, cruelty and exploitation; and the Advertising Act (Act No. 9/17) prohibited any advertising that associated the image of children with stereotypical or discriminatory behaviour or indecent acts. Presidential Decree 235/14 had provided for the establishment of the Interministerial Commission to Combat Human Trafficking, which organized protection, assistance and rehabilitation services for trafficking victims, in cooperation with various State and non-State agencies and organizations.
7. Other measures included a campaign to raise awareness of the harmful effects of child labour and to help parents understand the difference between children performing domestic chores and the exploitation of child labour, which was a criminal offence. Presidential Decree 30/17 listed the jobs that were prohibited for minors or that were subject to authorization. The national action plan to combat the commercial sexual exploitation of children, which dated from 1999, was in the process of being revised. A child helpline had been set up to combat violence against children, with a face-to-face component that was already in operation and had registered over 10,000 complaints between 2015 and 2017.

8. The National Development Plan for 2018-2022, which replaced the one that had expired in 2017, would serve as the basis for future programmes designed to safeguard the rights and interests of the most vulnerable in society, especially children, and was one of a number of initiatives to combat poverty and increase access to basic social services.

9. **Ms. Januário** (Angola), responding to questions raised at the previous meeting, said that recruitment by private security companies was regulated; no one with a criminal record or under the age of 18 years could be hired by them because of the nature of the work. If a company failed to comply with the regulations, it faced a fine or the withdrawal of its operating licence.

10. The Ministry of Justice and Human Rights was the institution with overall responsibility for the implementation of the Optional Protocols. The task of coordinating the work, however, was delegated to a commission which, among other things, oversaw the work of the bodies responsible for implementing commitment 8 of the 11 Commitments for Children. The Convention and the two Optional Protocols had been publicized by means of brochures, radio and television broadcasts and information materials developed by the National Institute of the Child and the former National Council for Children. Information was also available online, and the Optional Protocols, like other human rights instruments, were the subject of judicial and police training courses.

11. Current criminal legislation did not cover all aspects of human trafficking; the draft Criminal Code now before the National Assembly would fill that gap. The new national plan to combat human trafficking, which was in the final stages of preparation, would focus on the four Ps of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Trafficking in Persons Protocol): prevention, protection, prosecution and partnership. While precise figures were hard to come by, at least ten cases of human trafficking, including trafficking for the purposes of sexual and labour exploitation, had been tried by the courts. Angola was about to start using a software programme developed by the Southern African Development Community (SADC) that would make it considerably easier to track cases of human trafficking inside the country and in the region; it would, for example, allow the Angolan authorities to trace Angolan children who had been trafficked to Namibia for the purposes of labour exploitation. The National Criminal Investigation Directorate had recently established an anti-trafficking unit and there were plans to train police officers working in border areas — especially in the areas bordering on Namibia, Zambia and the Democratic Republic of the Congo — to detect and deal with trafficking. People smuggling was rife in those areas, and the authorities were tackling it with help from non-governmental organizations (NGOs) and other partners, including the International Organization for Migration (IOM).

12. The Tourism Code of Conduct against the Sexual Abuse and Exploitation of Children had been approved pursuant to a 2010 executive decree, which defined the liability of individuals and companies for such offences. The national action plan to combat the commercial sexual exploitation of children provided for an early warning system and was implemented with support from NGOs.

13. As for the Government's efforts to combat impunity, under the National Strategy for Education in Human Rights, training was provided for law enforcement officials, particularly those on the front line, to make sure that they all understood the concept of accountability. So far, over 1,000 police officers had been held to account for misconduct or human rights violations: their punishments had ranged from warnings or other disciplinary action to dismissal, orders to pay compensation and criminal prosecution.

14. Angola had acceded to the Rome Statute of the International Criminal Court but had not yet ratified it, for reasons explained during the State party's universal periodic review by the Human Rights Council. Not being a party to the Statute did not absolve Angola of its responsibilities of course. It was bound by bilateral and other multilateral judicial cooperation agreements, notably with other members of the Community of Portuguese-speaking Countries and SADC.

15. A bill on victim and witness protection was in the process of being drafted with the aim of providing greater protection for victims of human trafficking. It would draw on best

practices from other countries and would be in line with the Trafficking in Persons Protocol and the United Nations Convention against Transnational Organized Crime.

16. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) said that he would appreciate clarification of the minimum age for recruitment by the armed forces, militias and private security companies and of the related age verification procedures.

17. **Ms. Januário** (Angola) said that the minimum age for registering for military service was 18. In practice, however, most of those registered were not recruited until the age of 21, if at all. Age verification was conducted only on recruitment.

18. **Mr. Malovoloneke** (Angola) said that many young people volunteered to join the army as a career choice. Recruits had to have a minimum of 8 years' schooling. The fact that everyone who attended school was required to have a birth certificate allowed the age of recruits to be verified.

19. No militias existed in the country. Security companies were not permitted to hire adolescents under the age of 18 in accordance with the country's labour laws and faced sanctions if they did so. A large proportion of security companies hired former members of the armed forces, as part of the Government's demobilization and reintegration programmes.

20. **Mr. Madi** said that he wondered whether adolescents could be registered for military service in the year in which they turned 18, or only from their eighteenth birthday. Since relatively few Angolan citizens held birth certificates, he would like to know how the age of males recruited into the armed forces could be verified accurately. According to the State party's report (CRC/C/OPAC/AGO/1, para. 21 (c)), two witnesses could attest to the age of a recruit who did not possess identification papers; that did not constitute proper age verification.

21. He was not aware of any provisions in the State party's criminal law that specifically prohibited the recruitment of persons under the age of 18 into non-State armed groups in accordance with article 4 of the Optional Protocol. He would appreciate the delegation's comments in that regard.

22. **Ms. Mixinge** (Angola) said that registration for military service could take place only after a person's eighteenth birthday. Those who did not hold valid identification would not be able to meet the registration requirements.

23. **Ms. Skelton** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict), noting that the delegation had referred to facilities at a reception centre for some 210 children under the age of 5, asked how it was possible for so many young children to be separated from their parents.

24. **Ms. Mixinge** (Angola) said that a national commission had been established after the end of the armed conflict in Angola to promote the social reintegration of former soldiers and displaced persons. The commission had returned some 500,000 conflict-affected children to their families or placed them with substitute families. The 210 children referred to were housed at a reception centre established specifically for refugee children.

25. The majority of the funds for the Government's plan for local development and combating poverty had been earmarked for the reintegration of veterans, 88,000 of whom would receive assistance over the next five years. Veterans who had fought for the opposition National Front for the Liberation of Angola (FNLA) and National Union for the Total Independence of Angola (UNITA) received the same treatment as government soldiers. Demining was a major challenge. Between 1996 and 2017, mines had been cleared from approximately 3,500 square kilometres of land. Development infrastructure was put in place as areas were demined.

26. **Ms. Januário** (Angola) said that the Criminal Code contained a section on war crimes and crimes against national security, which covered the recruitment of children for the armed forces, for use as mercenaries or for non-State armed groups.

27. **Ms. Mixinge** (Angola), turning to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, said that the Ministry for Social Action, the Family and the Advancement of Women was taking measures to raise moral standards and promote healthy behaviour among children and adolescents. There was a range of programmes, with quantifiable targets, for the promotion and protection of children's rights. Under one such programme, for example, 30,000 cases of violence against children would be resolved by 2022 and awareness-raising on children's rights would be provided to some 500,000 people. It was also planned to strengthen complaint mechanisms, build shelters for child victims of violence, and enhance psychosocial support for children in conflict with the law and child abuse victims. The Government was in the process of establishing a national observatory for children.

28. Children could travel only with authorization from their parents or guardians, or from the juvenile courts. When the police were informed of cases in which children had been taken from one province to another without such authorization, those children were immediately returned to their families. The Government was strengthening its partnerships with other SADC member States to enhance monitoring of cross-border movement of children.

29. Public libraries and Internet centres were monitored by trained staff to ensure that children did not access inappropriate content. Awareness-raising campaigns for children, particularly girls, sought to inform them of the risks encountered online. Reports of offences committed against children via social networks were investigated promptly. Targeted budgets had been introduced to combat child abuse, exploitation and prostitution. A study was being carried out, in conjunction with various civil society organizations, to gather data on street children in Luanda and understand how such children fell prey to prostitution rings. Lastly, the Domestic Violence Act (Act No. 25/11) required families to report any situation that might endanger children.

30. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the delegation's responses had focused on international trafficking in children, rather than the sale of children, child prostitution and child pornography, which were not necessarily cross-border phenomena. The delegation had spoken of closing the gaps in the legislation on trafficking; the State party must also ensure that all aspects of the sale of children, child prostitution and child pornography were criminalized. He would appreciate information on extraterritorial jurisdiction over those offences. He also wished to know what the Government had done to address the sexual exploitation of children in the tourism industry and online.

31. **Mr. Mezmur** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the State party report (CRC/C/OPSC/AGO/1) did not provide clear information about protection against online offences involving the sexual exploitation and abuse of children. Was there a legal framework in that regard? He would also like to hear more about the implementation of the Tourism Code of Conduct against the Sexual Abuse and Exploitation of Children. Had it improved the accountability of the tourism industry? Were tourism establishments reporting under the Code and had they included provisions on sexual exploitation and abuse in their contracts?

32. **The Chair** said that, in view of reports that children as young as 12 had been prosecuted for criminal offences, he would appreciate confirmation of the age of criminal majority, meaning the age at which an individual was liable to be tried as an adult.

33. **Ms. Ayoubi Idrissi** said that she wished to know whether offences related to the sale of children, child prostitution and child pornography that had been committed abroad were prosecuted in accordance with the dual criminality principle. In cases where the State party did not have an extradition treaty with another country, could the Optional Protocol be used as a basis for extradition?

34. **Ms. Skelton** said that she would appreciate it if the delegation could confirm the State party's participation in the ongoing global study on children deprived of liberty.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

35. **Ms. Mixinge** (Angola) said that the Act on the Protection and Development of the Child provided for measures to prevent access by children to inappropriate virtual content and to address the risk of such content being disseminated using virtual means of communication. It established that material or information that was considered pornographic or that could incite violence must not be made available to children. However, families were responsible for monitoring the use of electronic media in their own homes. The Tourism Code of Conduct was a joint initiative of the Ministry of Hospitality and Tourism and the Ministry of Assistance and Social Reintegration, which were tasked with carrying out monitoring and inspections of tourism establishments together with the police.

36. **Ms. Januário** (Angola) said that the sale of children, child prostitution and child pornography were prohibited in national legislation. The aim of the Tourism Code of Conduct was to prevent sexual exploitation of children and provide for monitoring and oversight of the tourism industry. For example, hotel employees were required to request the identity documents of minors travelling with adults and establish the relationship between adult and minor. Tourism establishments could be held responsible for offences committed on their premises. The penalties imposable under the Criminal Code ranged from a warning or fine to the closure of an establishment or the imprisonment of the owner for up to 10 years. Pursuant to the Tourism Code of Conduct, the relevant authorities could carry out visits to establishments to ensure compliance with the Code's provisions. Since the adoption of the Code, there had been a drop in offences committed against children in tourist areas. Any person witnessing an offence in a public place was compelled by law to report it.

37. The Angolan customs and port authorities had a traceability system allowing them to monitor material entering the country. If prohibited material, including child pornography, was uncovered, it was immediately destroyed and the importer was held liable. The discovery of prohibited material could lead to criminal proceedings.

38. A bill on online crimes was awaiting the approval of the National Assembly, and transitional legislation was in place to ensure that offences committed online were sanctioned appropriately; several recent cases involving social networks were under investigation. A criminal investigation unit had been established to detect and investigate online offences, along with a dedicated unit under the Attorney General. Training in information technology was provided to judicial and law enforcement officers to ensure that they had the necessary expertise to deal with such cases. Complaints made by the public were duly investigated, although it could be difficult to regulate and monitor websites and social networks, with child pornography posing particular challenges in that regard.

39. **Ms. Mixinge** (Angola) said that the Government carried out ongoing assessments of its child protection systems with support from the United Nations Children's Fund (UNICEF). Such assessments played an important role in improving understanding of the issues affecting children, increasing accountability in the relevant sectors and ensuring that the best interests of the child were respected. The Government had designated a month in which all relevant stakeholders were invited to discuss child protection measures.

40. **Ms. Januário** (Angola) said that the minimum age at which an individual could be tried as an adult was 16. A draft amendment to the Criminal Code on maintaining that age had been submitted for the approval of the National Assembly following a debate. Data, disaggregated by province, were available on the number of adolescents aged between 16 and 18 who were held in detention centres. Minors deprived of their liberty were provided with differentiated treatment and special cells, irrespective of their offence and whether they were held in pretrial detention or had been convicted. Minors could also be given non-custodial sentences.

41. If and when necessary, requests for extradition could be made on the basis of an extradition treaty or, in the absence of such a treaty, by means of letters rogatory or similar judicial mechanisms. In the case of crimes against children, the Convention and the two Optional Protocols were recognized as a sufficient basis for an extradition request.

42. A few years previously, the Angolan judicial authorities had granted an extradition request made in respect of an Angolan national accused of having committed serious crimes

in a State with which Angola did not have an extradition treaty, having concluded that the extradition would not have a detrimental effect on the individual in question. In another case, however, the authorities had denied a request to extradite nationals of the Democratic Republic of the Congo residing in Angola, as the crimes of which they stood accused carried the death penalty in their country of origin. It had been determined that, once the persons in question had served their prison sentences, they would be allowed to remain in Angola. The authorities had also cooperated with the International Criminal Court in a case involving an individual accused of genocide who was residing in the country.

43. The Government considered the global study on children deprived of liberty to be a useful tool for examining the issue and identifying best practices. The study might also provide Committee members with a better understanding of juvenile justice in Angola.

44. **Ms. Ayoubi Idrissi** said that it was still not clear to her from what age a child could be held responsible for a criminal act in Angola.

45. **Ms. Januário** (Angola) said that the minimum age was currently set at 16 years.

46. **The Chair** asked how 14- and 15-year-olds who were accused of having committed a criminal offence were dealt with in Angola.

47. **Ms. Januário** (Angola) said that minors under the age of 16 who committed a criminal offence could not be held criminally liable for their actions. Instead, their cases were referred to the juvenile courts, which would prescribe the appropriate correctional measures. Special observation centres were responsible for applying those measures. Offences committed by minors under the age of 16 did not remain on their records when they reached the age of majority.

48. **The Chair** asked whether children under the age of 16 could still be charged with a criminal offence, even though they would subsequently be dealt with by the juvenile courts.

49. **Ms. Januário** (Angola) said that minors between the ages of 14 and 16 could indeed be charged with a criminal offence.

50. **Ms. Aho Assouma** asked what had become of the Turkish nationals who had sought asylum in Angola, given that the Turkish school that had taken them in had closed. It would also be useful to know whether there was a programme in place to assist child mine victims.

51. **Ms. Januário** (Angola) said that, as the case concerning the Turkish school known as Colégio Esperança Internacional was ongoing, the details relating to it had to remain confidential. However, it was public knowledge that a request had been received under a judicial cooperation agreement in respect of a terrorism-related case involving one of the school's administrators. The school had been temporarily closed but had been reopened a few days later and continued to operate normally. The administrators of the school had subsequently agreed that the share in the school of the individual named in the case would be sold.

52. A broad range of programmes had been put in place to support and rehabilitate mine victims, including children, in the post-conflict period. The construction of a prosthetic limb factory had greatly facilitated the rehabilitation process for those individuals. Angola had long been a theatre of war and consequently had one of the highest concentrations of landmines in the world. As part of its demining efforts, the Government had called for a moratorium on the use of landmines and had begun the process of marking and clearing minefields with the support of international partners. It was hoped that Angola would be mine-free by 2025.

53. **Ms. Aho Assouma** said she had been informed that the State party had received an influx of refugees from the Democratic Republic of the Congo, many of whom had entered its territory in an irregular manner and were reportedly working in informal diamond mines. She asked whether the children among those refugees had been provided with special assistance and how the State party intended to address the situation.

54. **Ms. Mixinge** (Angola) said that Congolese refugees were accommodated in a reception centre and that many had already returned home voluntarily with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Angolan

authorities considered persons who entered the country irregularly with the express intention of working in diamond mines to be illegal immigrants and to warrant different treatment from bona fide refugees. However, any children accompanying illegal immigrants were treated properly and returned home at the appropriate time. Special treatment was reserved for children irrespective of their parents' immigration or refugee status.

55. **Ms. Izata** (Angola) said that, contrary to the rumours circulating, Angola did not plan to expel the Congolese refugees, thousands of whom were receiving assistance from the Government and international agencies such as UNHCR and IOM. As for the case concerning the Colégio Esperança Internacional, the persons concerned would remain in Angola while their asylum applications were being considered by the Government and UNHCR.

56. **Mr. Malovoloneke** (Angola) said that persons with refugee status could not be considered to be in Angola illegally and were accorded the rights and received the treatment provided for under international law.

57. **Mr. Mezmur** said that he was grateful to the delegation for the constructive dialogue on the initial report of Angola submitted under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and trusted that the State party would pay careful attention to the Committee's concluding observations, which would address many of the issues raised during the dialogue.

58. **Ms. Skelton**, thanking the delegation for the enlightening dialogue on the initial report of Angola submitted under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, said that it would be helpful to receive an English translation of the laws most relevant to the subject at hand or, failing that, a translation of their key provisions.

59. **Mr. Madi** said that the State party should use the Committee's concluding observations to guide its efforts to close the gaps identified by the Committee in the implementation of the latter instrument. He looked forward to reviewing the progress made in that regard in the State party's next periodic report.

60. **Ms. Todorova** (Country Task Force), thanking the delegation for the informative dialogue on the combined fifth to seventh periodic reports of Angola submitted under the Convention (CRC/C/AGO/5-7), said that the Committee welcomed the commitment of the new Government of Angola to further promoting and protecting children's rights. She hoped that the 11 Commitments for Children could soon be fulfilled and that the State party would translate and disseminate widely the Committee's concluding observations, including to children in child-friendly language.

61. **Ms. Mixinge** (Angola) thanked the members of the Committee for the fruitful dialogue and their in-depth analysis of the reports submitted under the Convention and the two Optional Protocols and said that, going forward, the Government would endeavour to act on the suggestions and recommendations addressed to it and work to give full effect to the 11 Commitments for Children. She looked forward to receiving the Committee's concluding observations.

62. *The delegation of Angola withdrew.*

The discussion covered in the summary record ended at 5.40 p.m.